

**PSCW EIS REVIEW COMMENTS**  
**ELM ROAD GENERATING STATION**  
**Army Corps of Engineers**  
**7-3-03**

The U.S. Army Corps of Engineers is involved in the proposed Oak Creek power plant expansion due to the requirement for a Clean Water Act Section 404 permit and a Rivers and Harbors Act Section 10 permit for work in wetlands and navigable waterways. The Corps will need to comply with the National Environmental Policy Act (NEPA) in processing the permit applications for the proposed project. The NEPA regulations require the Corps to become involved as early as possible in the state or local review process, to ensure that environmental factors are considered at an early stage, and to assist applicants by outlining the types of information required for the Corps permit evaluation. Consequently, the Corps is commenting on the content of the PSCW EIS and also identifying areas where additional information or analysis is necessary for the Corps permit evaluation process.

**GENERAL COMMENTS**

1. The EIS identifies substantial resource impacts based on the proposal as described in the EIS. However, the applicant has informed the Corps that the document does not represent the most current project proposal. In this situation, it is difficult for the Corps to provide meaningful comments. A meeting has been requested between the Corps, FWS, PSCW, and WDNR to discuss the EIS and potential additions or revisions. Comments on the EIS are provided for discussion at this meeting.
2. The EIS appears to be incomplete in several resource areas, and does not address mitigation in the majority of the resource areas. Consideration and incorporation of appropriate mitigation should be an integral part of the proposed project.
3. Based on recent changes to the proposal and numerous statements in the EIS regarding incomplete data or analysis, the Corps questions whether the PSCW has received a complete application. Therefore, we suggest that the PSCW modify, suspend, or somehow revise the official time limit for the CPCN decision, to allow for completion of project modifications, incorporation of appropriate mitigation measures, and submittal of complete data for use in the EIS.
4. It is unclear from the text what coordination has occurred with other state and federal agencies.
5. There are several references to less or no need for the 3<sup>rd</sup> power-generating unit. Also, the EGEAS discussion is hard to follow, but it appears to show that implementation of a coal unit may not be necessary until 2022. It is hard to determine from the document which alternatives discussed in the EIS would be practicable alternatives under Corps CWA Section 404 regulations. Additional information is needed regarding the alternatives analyzed in the EIS.
6. For resource areas impacted by the proposed project, analysis of the significance of the proposal's impacts, when added to impacts resulting from past, present, and

reasonably foreseeable actions in the project area, are necessary for the Corp permit evaluation.

## SPECIFIC COMMENTS

7. Page xxvii - More information is needed with regard to earth moving activities, as noted in the EIS, to adequately identify the noise, fugitive dust, and diesel fumes during construction.
8. Page xxix – Has the location of the intake crib been refined to a more specific location offshore?
9. Page xxix – The statement about compliance with thermal standards seems more definite than the discussion on page 210 would lead the reader to believe.
10. Page xxix – Is the statement about the reduced possibility of harbor construction up to date?
11. Page xxxi - Air Quality - The state EIS uses applicant supplied data and model results, but indicates that WDNR air quality analysis is underway.
12. Page xxxi – Air Quality – It appears that the FAA required lower stack height, discussed on page 344, is not reflected in the analysis. The revised stack height and corresponding WDNR air quality analyses should be incorporated into the EIS.
13. Page xxxiii – road impacts – will the proposed road improvements constitute a commitment and what is the position of the local road authority on the suggested road modifications? Coordination with the local road authority should be referenced in the EIS.
14. Page xxxiii - What are the demographics of the group west of the tracks on seven mile road?
15. Page 2 - Shooting Range - What is the federal review or oversight involved in the transfer of the shooting range property from the military?
16. Chapter 4 – Alternatives, page 66 – Did the comparison of coal and natural gas costs include total cost comparison, that includes pollution control costs, environmental costs, etc?
17. Chapter 4 – Alternatives, page 69 – The EIS should be updated regarding the pending CPCN for the Calpine plant.
18. Page 102/103 – Is the discussion of 500 (feet?) of additional fill to the north of the existing dock part of the lake fill discussed on page 211?
19. Page 117 – Is the gypsum wallboard plant a connected action, in relation to the proposed project?
20. Page 164, 175 - What is the cumulative impact of approaching 100% of the NAAQS for TSP and SO<sub>2</sub>?
21. Page 179 – what is the cumulative impact to the shoreline?
22. Page 196 & 222 – Wetlands - It is unclear from the EIS whether steps were taken to avoid, minimize, or compensate for potential wetland impacts resulting from the project.
23. Page 203 - Water Intake Structure. It is unclear what measures will be taken to minimize entrainment and impingement impacts resulting from the intake structure.

24. Page 210 – Cooling Water Discharge - It is hard to tell from the document, but it appears that the thermal discharge would not meet state acute criteria during certain parts of the year. This issue needs additional discussion.
25. Page 211 – Is the 7 acres of lake fill for the proposed breakwater part of the project proposal. Would the total lakebed fill be 14 acres?
26. Page 253 – Threatened/Endangered Species – what coordination has there been with the U.S. Fish and Wildlife Service?
27. Page 256 - Section 106 – It is unclear what coordination has occurred with the EPA and FERC, and no reference to the Army Corps' role in complying with Section 106. More detail is needed to understand what has been done by federal agencies to comply with Section 106.
28. Page 256 - Section 106 and Tribal Coordination - It is unclear what, if any, coordination has occurred with any potentially interested Native American Tribes.
29. Page 271 – There is no discussion regarding how the effect of the wetland loss on wildlife use could be minimized or mitigated.
30. Page 284 – demographics - To comply with the Executive Order on environmental justice, the Corps will need to address whether the proposal has disproportionately high and adverse impacts to any minority or low-income populations. Information is needed beyond the basic demographic information as to whether there are any low-income or minority groups that would potentially be affected by the project.
31. Page 310 – the potential impacts of increased transport of hazardous materials are not addressed.
32. Page 326 – Noise - It is unclear whether the aggregate noise level resulting from construction and operation of the plant is included in the noise analysis.
33. Page 348 – Is the proposed harbor expansion discussed in this section different from the proposed activities described on page 211?